

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

THE SPOT SMOKE SHOP LLC, et  
al.,

Defendants.

CASE NO. C23-0318JLR

ORDER

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") motion for an extension of time to perfect service on Defendant The Spot Smoke Shop LLC ("The Spot Smoke Shop"). (Mot. (Dkt. # 11).) The court GRANTS GS Holistic's motion.<sup>1</sup>

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a

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<sup>1</sup> Although the motion is noted for consideration on June 16, 2023 (*see id.*), the court sees no reason to delay issuing a decision on the motion. *See* Fed. R. Civ. P. 1 (authorizing the court to construe the Federal Rules of Civil Procedure "to secure the just, speedy, and inexpensive determination of every action and proceeding").

1 summons and a copy of the complaint and sets forth the specific requirements for doing  
2 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service  
3 must be effectuated, states in relevant part:

4 If a defendant is not served within 90 days after the complaint is filed, the  
5 court—on motion or on its own after notice to the plaintiff—must dismiss  
6 the action without prejudice against that defendant or order that service be  
made within a specified time. But if the plaintiff shows good cause for the  
failure, the court must extend the time for service for an appropriate period.

7 *Id.*

8 GS Holistic filed this action on March 6, 2023. (Compl. (Dkt. # 1).) As a result,  
9 the 90-day period for effecting service of process set forth in Rule 4(m) expired on  
10 Monday, June 5, 2023. Fed. R. Civ. P 4(m). GS Holistic represents that although its  
11 process server served The Spot Smoke Shop on June 5, 2023, it has not yet received the  
12 affidavit of service from the process server. (*See* Mot. ¶ 3.<sup>2</sup>) Accordingly, it requests a  
13 30-day extension of the Rule 4(m) deadline to allow it time to file the affidavit of service.

14 The court finds that GS Holistic has demonstrated good cause for its failure to  
15 demonstrate that it timely served The Spot Smoke Shop. Therefore, it GRANTS GS  
16 Holistic's motion for a 30-day extension of the deadline to perfect service set forth in  
17 Rule 4(m). GS Holistic shall file proof of service on The Spot Smoke Shop by no later

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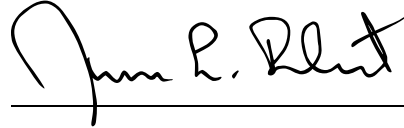
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21 <sup>2</sup> GS Holistics served Defendant Haitham Almaamar on April 7, 2023. (*See* 4/21/23 Aff.  
22 (Dkt. # 8).) The Clerk entered default against Mr. Almaamar on May 31, 2023. (*See* Entry of  
Default (Dkt. # 10).)

1 than **July 5, 2023**. Failure to do so may result in the dismissal without prejudice of GS  
2 Holistic's claims against The Spot Smoke Shop.<sup>3</sup>

3 Dated this 6th day of June, 2023.

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6 JAMES L. ROBART  
7 United States District Judge  
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21 <sup>3</sup> The court reminds GS Holistic that the court's Local Rules and Electronic Filing  
22 Procedures require a moving party to file a proposed order with its motion and to email a Word  
version of the proposed order to [robartorders@wawd.uscourts.gov](mailto:robartorders@wawd.uscourts.gov).